

# **S.A. going after code violators**

**By Tom Bower**

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Lawyers for the city of San Antonio filed foreclosure lawsuits against seven local property owners Wednesday, signaling an aggressive new strategy to collect \$4.3 million in outstanding building code violation fees citywide.

The drastic strategy of legal action, which normally is reserved for those who haven't paid their property taxes, means landowners could lose their real estate for not paying simple fees incurred by the city to clear land and demolish hazardous buildings.

And more lawsuits are on the way, city officials warned.

"We want to treat these people who owe code compliance charges in the same way that we treat property owners who are delinquent on their taxes," said Clif Douglass, managing partner of the delinquent tax collection law firm used by the city, the county and most of the county's 34 other taxing entities.

The law firm of Heard Linebarger Graham Goggan Blair Peña & Sampson collects millions of dollars in delinquent taxes for taxing entities across the state each year.

The firm uses a combination of formal demand letters and publicity, warning property owners that if they don't pay their taxes, they face being sued and losing their property to foreclosure.

Douglass said they also routinely attempt to recover all money owed by the delinquent property owners, including charges related to building code violations.

San Antonio Tax Assessor-Collector Gary Johnson said his staff singled out the seven property owners from a list of at least 2,600 people who have been determined by the city staff to be paying their property taxes but not satisfying outstanding charges for code violations.

The property owners listed in Wednesday's round of lawsuits collectively owe slightly more than \$200,000 out of the \$4.3 million outstanding citywide.

"We're going to be doing this on a consistent basis," Douglass said. "We hope that people will pay up, but if they don't, we will sue."

Most of the city's total cases are for small amounts the city charges for mowing and cleaning up vacant lots, fixing broken water mains spewing sewage from private property and, in the worst cases, demolishing vacant and dangerous buildings, said Martin Rodriguez, city director of code compliance.

Among the property owners being sued, the largest amount is owed by Ronald Jay Miller, who is being asked to pay more than \$100,000 or face foreclosure of his property at 2002 E. Southcross Blvd. Of that amount, \$70,000 is for the demolition of a vacant building on the 1.6-acre tract.

Miller could not be reached for comment.

While city officials contend the seven named Wednesday have been warned at least two times by mail, some said the legal action was their first indication they had a problem with the city.

"In December, we sent out 2,600 demand letters to people who owed code compliance charges," Douglass said.

"And before that," Johnson added, "our office had sent out at least two notices after the action was taken."

Others question the city's cost for performing services, saying their outstanding fees were more than what the property is worth.

"They said the cost to do it (the demolition) would be about \$4,000, and they sent me a bill for \$8,000," said Paul Carter, a lawyer who owns what now is a vacant lot at 219 Quitman St.

"They have me on a technicality because I didn't get anything in writing from them at the time.

"I'll save them all of that trouble now and sign the deed over to them," Carter said.

City records show Carter actually owes \$10,162 for the demolition, which occurred four or five years ago. The Bexar Appraisal District has valued the 1/6-acre lot at \$6,800.

Jeff Waggener, owner of EZ Wash Inc., had a similar story regarding a building owned by his business at 4729 Roosevelt Ave.

"I was shell-shocked by the amount of the bill and, to be real straight, I've been broke," Waggener said, adding that he always has planned to rebuild on the property and has kept current on his property taxes.

But Waggener said he, too, had been quoted a much lower price for demolition of the vacant car wash, on the order of \$1,500 to \$2,000, and the city is billing him for \$11,163.

"I could have gotten a private contractor to do it for less," he said.

Owing the least amount among the seven is TexCantina Inc., which owns and operates Tomatillo's Restaurant y Cantina on Broadway.

It owes \$3,784 for the demolition of a home at 119 Ira Ave., a piece of land next to the restaurant's overflow parking lot.

TexCantina owner Dwight Lieb said he had not received one notice that he owes the city anything for clearing the lot.

"There is no controversy here. I will pay them," he said. "I have not received any demand letter and, if I had, I would have paid.

"Three thousand bucks is not enough to fool with."

Of the \$4.3 million owed citywide, about \$2.7 million is for demolitions, Johnson said. The rest is for cleaning up vacant lots and administrative fees related to code enforcement.

Since December, Douglass said his firm has collected more than \$300,000 in charges. The city staff this week gave its approval to file lawsuits against those property owners and businesses owing the most, whether for code violations on a single tract or on multiple lots.

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